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761—11.6(17A) Action on petition. Following is the procedure for responding to a petition for a waiver from the requirements of a rule:

- 11.6(1) The department shall acknowledge receipt of a petition immediately.
- 11.6(2) Before a waiver is granted or denied, the department may request a petitioner to furnish additional information related to the petition.
- 11.6(3) The director shall issue a written decision to grant or deny a waiver within 120 days after the department receives the petition unless the petitioner agrees to a later time. However, if the matter is also the subject of a contested case proceeding, the decision to grant or deny a waiver need not be issued until after the final decision in the contested case is issued.
- 11.6(4) The decision to grant or deny a waiver shall contain the information set out in rule 761—11.4(17A).
- 11.6(5) Within seven days after the decision is issued, the department shall transmit it to the petitioner.
 - 11.6(6) Failure to grant or deny a waiver within the required time is deemed a denial.
- 11.6(7) The director's decision on a petition for a waiver from the requirements of a rule is final agency action.
- 11.6(8) A petition for a waiver from the requirements of a rule is independent of a contested case proceeding. Submission of a petition does not delay the time to request a contested case hearing, to appeal a proposed decision in a contested case, or to file a petition for judicial review of a final decision in a contested case.
- 11.6(9) A petition for a waiver from the requirements of a rule is not required to exhaust administrative remedies before judicial review of a department action under Iowa Code section 17A.19.